IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

-

W.A. No. 1195 of 2004;

WAMP.No.1626 of 2004 in WA(SR) No.19832 of 2004 & WA(SR) No. 19832 of 2004;

WAMP.No.1653 of 2004 in WA(SR) No.19836 of 2004 & WA(SR) No. 19836 of 2004

WAMP.No.1652 of 2004 in WA(SR) No.19840 of 2004 & WA(SR) No. 19840 of 2004

WAMP.No.1651 of 2004 in WA(SR) No.19844 of 2004 & WA(SR) No. 19844 of 2004

WAMP.No.1627 of 2004 in WA(SR) No.19848 of 2004 & WA(SR) No. 19848 of 2004

WAMP.No.1623 of 2004 in WA(SR) No.19852 of 2004 & WA(SR) No. 19852 of 2004

WAMP.No.1649 of 2004 in WA(SR) No.19856 of 2004 & WA(SR) No. 19856 of 2004

WAMP.No.1654 of 2004 in WA(SR) No.19860 of 2004 & WA(SR) No. 19860 of 2004

WRIT APPEAL NO : 1195 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/08/2003 in WP No. 9083 OF 2000 on the file of the High Court.)

Between:

1 Maruthinagar Colony Welfare Association (Regd.No. 4834/93) rep. by its General Secretary, Mr. Syed Ayub Alisha, R/o 12-13-865/15, Maruthi Nagar, Taranaka, Secunderabad-17

2 P.S.R.V.Subba Rao, S/o P.S.P.Rao, 12-13-865/4, Maruthi Nagar, Taranaka, Secunderabad-17

3 Dr. Syed Rahim Ayasuddin S/o Late Rahimuddin
12-13-865/14, Maruthi Nagar, Taranaka,
Secunderabad-17

4 K.Kutumba Rao S/o Late K.Veerabadhraiah,
12-13-865/4, Maruthi Nagar, Taranaka,
Secunderabad-17 …Appellants

AND

1 The District Collector, Hyderabad District , Nampally, Hyderabad
2 The Mandal Revenue Officer, Marredpalli Mandal Secunderabad
3 The Special Officer-Cum-Commissioner, Municipal Corporation of Hyderabad, Hyderabad
4 The Additional Commissioner, Municipal Corporation of Hyderabad, Secunderabad Division, Secunderabad
5 The Managing Director, Metro Water Supply & Sewerage Board, Hyderabad
…Respondents

Counsel for the Appellants: MR.B.V.SUBBAIAH

Counsel for the Respondents. 1 and 2: GP FOR REVENUE
Counsel for the Respondents 3 and 4: Smt. G.Jyothi Kiran
Counsel for the Respondent No.5: Mr.P.Krishna Rao

WAMP.No.1626 of 2004 in WA(SR) No.19832 of 2004

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. by its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …Petitioner/
Appellant

and

1)Rajaka Seva Sangham rep. By its President
G.Krishna, Sainagar, Tarnaka, Secunderabad.

…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist.,Hyderabad

3)Hyderabad Municipal Corporation, rep. by its
Commissioner and Special Officer, Hyderabad.

4)Hyderabad Urban Development Authority, rep.
by its Vice Chairman, Hyderabad.

5)P.Seshu Babu, r/o.1-294, Uppal Road, Tarnaka,
Hyderabad

…Respondents/
Respondents

Petition filed under Section 151 C.P.C. praying to grant leave to file the Writ Appeal questioning the order passed in W.P.No.2745 of 1998, dated 1.8.2003.

W.A.(SR) No.19832 of 2004 :

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/08/2003 in WP No. 2745 of 1998 on the file of the High Court.)

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …
Appellant

and

1)Rajaka Seva Sangham rep. By its President
G.Krishna, Sainagar, Tarnaka, Secunderabad.

…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist.,Hyderabad

3)Hyderabad Municipal Corporation, rep. by its
Commissioner and Special Officer, Hyderabad.

4)Hyderabad Urban Development Authority, rep.
by its Vice Chairman, Hyderabad.

5)P.Seshu Babu, r/o.1-294, Uppal Road, Tarnaka,
Hyderabad

…
Respondents

Counsel for the Appellant : Mr.Muddu Vijay.

Counsel for Respondent No.1: Mr.K.V.Bhanu Prasad
Counsel for Respondent No.2: G.P.for revenue
Counsel for Respondent No.3: Smt.G.Jyothi Kiran
Counsel for Respondent No.4: Mr. T.Niranjan Reddy
Counsel for Respondent No.5: Mr.P.Venu Gopal.

WAMP.No.1653 of 2004 in WA(SR) No.19836 of 2004

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …Petitioner/
Appellant

and

1)PMR Education and Development Society,

rep. by its Secretary P.Mohan Rao, Secretary
-cum-Correspondent of PMR Educational Institutes,
H.No.50-C, Habsiguda, Hyderabad
…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist.,Hyderabad

3)The Mandal Revenue Officer, Mareddypally,
Secunderabad, Hyderabad district

…Respondents/
Respondents

Petition filed under section 151 C.P.C. praying to grant leave to file the Writ Appeal questioning the order passed in W.P.No.9450 of 2003, dated 1.8.2003.

WA.(SR) No.19836 of 2004 :

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/08/2003 in WP No.: 9450 OF 2003 on the file of the High Court.)

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …
Appellant

and

1)PMR Education and Development Society,
rep. by its Secretary P.Mohan Rao, Secretary
-cum-Correspondent of PMR Educational Institutes,
H.No.50-C, Habsiguda, Hyderabad
…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist.,Hyderabad

3)The Mandal Revenue Officer, Mareddypally,
Secunderabad, Hyderabad district

…
Respondents

Counsel for the Appellant : Mr.Muddu Vijay.

Counsel for Respondent No.1: None appeared.
Counsel for Respondent Nos.2 and 3 : G.P.for revenue

WAMP.No.1652 of 2004 in WA(SR) No.19840 of 2004

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …Petitioner/
Appellant

and

1)P.Seshu Babu, r/o.1-294, Uppal Road, Tarnaka, Hyderabad

…Respondent/
Writ Petitioner

2) Municipal Corporation of Hyderabad, rep. by its Commissioner, Hyderabad.

2)The District Collector, Hyderabad Dist.,Hyderabad

4)Govt. of A.P., rep. by its Deputy Executive Engineer, Sub-Division, Hyderabad District, SC, ST Society Limited, Hyderabad.

5)The Station House Officer, Osmania University Police Station, Hyderabad.

6)Rajaka Seva Sangham rep. by its President G.Krishna, r/o. 12-13-368, Tarnaka, Secunderabad.

…Respondents/
Respondents

Petition filed under Section 151 C.P.C. praying to grant leave to file the Writ Appeal questioning the order passed in W.P.No.36171 of 1998, dated 1.8.2003.

W.A.(SR) No.19840 of 2004 :

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/08/2003 in WP NO : 36171 of 1998 on the file of the High Court.)

Between:

Maheswari Co.Operative Housing Society Ltd., T.B.No.159 Regd. Under A.P.Co.Op.Societies Act, rep. By its President G.V.Ramakrishna Rao, s/o Sri G.L.Narasimha Rao, r/o.12-13-1152/2, street no.11, Tarnaka, Secunderabad …
Appellant

and

1)P.Seshu Babu, r/o.1-294, Uppal Road, Tarnaka, Hyderabad

…Respondent/
Writ Petitioner

2) Municipal Corporation of Hyderabad, rep. by its Commissioner, Hyderabad.

2)The District Collector, Hyderabad Dist.,Hyderabad

4)Govt. of A.P., rep. by its Deputy Executive Engineer, Sub-Division, Hyderabad District, SC, ST Society Limited, Hyderabad.

5)The Station House Officer, Osmania University Police Station, Hyderabad.

6)Rajaka Seva Sangham rep. by its President G.Krishna, r/o. 12-13-368, Tarnaka, Secunderabad.

…
Respondents

Counsel for the appellant : Mr.Muddu Vijay.

Counsel for Respondent No.1: Mr.P.Venu Gopal
Counsel for Respondent No.2: Smt.G.Jyothi Kiran
Counsel for Respondent No.3: G.P.for Revenue
For Respondent Nos.4 to 6 : None appeared.

WAMP.No.1651 of 2004 in WA(SR) No.19844 of 2004

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …Petitioner/
Appellant
and

1)K.Venkatesh, s/o.K.Balaiah, Occ: Advocate, r/o.
12-13-691/17/1, Nagarjunanagar Colony,
Tarnaka, Secunderabad-19.

2)K.Anuradha, w/o.K.Venkatesh, Occ: Doctor, r/o.
12-13-691/17/1, Nagarjunanagar Colony,
Tarnaka, Secunderabad-19. …Respondents/ Writ Petitioners

3)The District Collector, Hyderabad Dist.,Hyderabad

4)The Revenue Divisional Officer, Secunderabad,
Hyderabad District.

5)The Mandal Revenue Officer, Maredpally,
Secunderabad, Hyderabad District.

…Respondents/
Respondents

Petition filed under Section 151 C.P.C. praying to grant leave to file the Writ Appeal questioning the order passed in W.P.No.9066 of 2003, dated 1.8.2003.

WA(SR) No.19844 of 2004 :

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/08/2003 in WP No. 9066 of 2003 on the file of the High Court.)

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …
Appellant

and

1)K.Venkatesh, s/o.K.Balaiah, Occ: Advocate, r/o.
12-13-691/17/1, Nagarjunanagar colony,
Tarnaka, Secunderabad-19.

2)K.Anuradha, w/o.K.Venkatesh, Occ: Doctor, r/o.

12-13-691/17/1, Nagarjunanagar colony,
Tarnaka, Secunderabad-19.

…Respondents/
Writ Petitioners

3)The District Collector, Hyderabad Dist., Hyderabad

4)The Revenue Divisional Officer, Secunderabad,
Hyderabad District.

5)The Mandal Revenue Officer, Maredpally,
Secunderabad, Hyderabad District.

…
Respondents

Counsel for the appellant: Mr.Muddu Vijay.

Counsel for Respondents 1 and 2 : Mr.J.Kanakaiah;
Counsel for Respondents 2 to 5 : G.P. for Revenue

WAMP.No.1627 of 2004 in WA(SR) No.19848 of 2004

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …Petitioner/
Appellant

and

1)Gajula Radhamma, w/o.Gajula Kistaiah,
r/o. H.No.12/13/691/18/1, Sainagar,
Tarnaka, Secunderabad-17.

…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist.,Hyderabad

3)The Mandal Revenue Officer, Maredpally,
Secunderabad, Hyderabad Dist.

4. The Revenue Divisional Officer, Secunderabad,
Hyderabad District.

…Respondents/
Respondents

Petition filed under Section 151 C.P.C. praying to grant leave to file the Writ Appeal questioning the order passed in W.P.No.9051 of 2003, dated 1.8.2003.

WA(SR) No.19848 of 2004 :

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/08/2003 in WP No. 9051 of 2003 on the file of the High Court.)

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,

rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …
Appellant

and

1)Gajula Radhamma, w/o.Gajula Kistaiah,
r/o. H.No.12/13/691/18/1, Sainagar,
Tarnaka, Secunderabad-17.

…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist.,Hyderabad

3)The Mandal Revenue Officer, Maredpally,
Secunderabad, Hyderabad Dist. …
4. The Revenue Divisional Officer, Secunderabad,

Hyderabad District.

Respondents

Counsel for the appellant : Mr.Muddu Vijay.

Counsel for Respondent No. 1: Mr.J.Kanakaiah;
Counsel for Respondents 2 and 4 : G.P. for Revenue

WAMP.No.1623 of 2004 in WA(SR) No.19852 of 2004

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …Petitioner/
Appellant

and

1)Hari Srinivas, s/o.Muttaiah, r/o.
12-13-691/17/5, Sainagar,
Tarnaka, Secunderabad-19.

…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist., Hyderabad

3)The Revenue Divisional Officer, Secunderabad,
Hyderabad District

4)The Mandal Revenue Officer, Maredpally,
Secunderabad, Hyderabad Dist.

…Respondents/
Respondents

Petition filed under Section 151 C.P.C. praying to grant leave to file the Writ Appeal questioning the order passed in W.P.No.9065 of 2003, dated 1.8.2003.

WA(SR) No.19852 of 2004 :

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated

01/08/2003 in WP No. 9065 of 2033 on the file of the High Court.)

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …
Appellant

and

1)Hari Srinivas, s/o.Muttaiah, r/o.
12-13-691/17/5, Sainagar,
Tarnaka, Secunderabad-19.

…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist.,Hyderabad

3)The Revenue Divisional Officer, Secunderabad,
Hyderabad District.

4)The Mandal Revenue Officer, Maredpally,
Secunderabad, Hyderabad Dist. …
Respondents

Counsel for the appellant : Mr.Muddu Vijay.

Counsel for Respondent No.1: Mr.J.Kanakaiah;
Counsel for Respondents 2 to 4 : G.P. for Revenue

WAMP.No.1649 of 2004 in WA(SR) No.19856 of 2004

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …Petitioner/
Appellant

and

1)Amirisetti Srivani, w/o. A.Prabhakar, r/o.
12-13-691/9/2, Sainagar,
Tarnaka, Secunderabad-19.

…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist.,Hyderabad

3)The Revenue Divisional Officer, Secunderabad,
Hyderabad District

4)The Mandal Revenue Officer, Maredpally,
Secunderabad, Hyderabad Dist.

…Respondents/
Respondents

Petition filed under Section 151 C.P.C. praying to grant leave to file the Writ Appeal questioning the order passed in W.P.No.9067 of 2003, dated 1.8.2003.

WA(SR) No.19856 of 2004 :

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/08/2003 in WP No. 9067 of 2003 on the file of the High Court.)

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad

…
Appellant

and

1)Amirisetti Srivani, w/o.A.Prabhakar, r/o.
12-13-691/9/2, Sainagar,
Tarnaka, Secunderabad-19.

…Respondent/
Writ Petitioner

2)The District Collector, Hyderabad Dist., Hyderabad

3)The Revenue Divisional Officer, Secunderabad,
Hyderabad District.

4)The Mandal Revenue Officer, Maredpally,
Secunderabad, Hyderabad Dist.

…
Respondents

Counsel for the appellant : Mr.Muddu Vijay.

Counsel for Respondent No.1: Mr.J.Kanakaiah;
Counsel for Respondents 2 to 4 : G.P. for Revenue

WAMP.No.1654 of 2004 in WA(SR) No.19860 of 2004

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …Petitioner/
Appellant

and

1) K.Mallikarjuna, s/o.Rajamallu,
r/o. H.No.12-13-691/9/1, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

2) Abdul Bari, s/o.Abdul Gani,
r/o. H.No.12-13-691/21/7, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

3) K.L.S.Kumari, w/o.late K.Nageshwara Rao,
r/o. H.No.12-13-691/9/1/A, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

4) K.Sujata, w/o.K.Ram Reddy,
r/o. H.No.12-13-691/21/11, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

5) P.Srinivas, s/o.Veerabadhram,
r/o. H.No.12-13-691/21/8/1, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

6) P.Gani Babu, s/o.P.Verraju,
r/o. H.No.12-13-691/21/8/1/1, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

7)P.Rajamani, w/o.Venkat Reddy,
r/o. H.No.12-13-691/21/4, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

8)V.Narayanamma, w/o.V.Dhasharath Reddy,
r/o. H.No.12-13-691/21/3/A, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

…Respondents/
Writ Petitioners

9)The District Collector, Hyderabad Dist.,Hyderabad

10)The Mandal Revenue Officer, Maredpally,
Hyderabad.

…Respondents/
Respondents

Petition filed under Section 151 C.P.C. praying to grant leave to file the Writ Appeal questioning the order passed in W.P.No.9045 of 2003, dated 1.8.2003.

WA(SR) No.19860 of 2004 :

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/08/2003 in WP No. 9045 of 2033 on the file of the High Court.)

Between:

Maheswari Co.Operative Housing Society Ltd.,
T.B.No.159 Regd. Under A.P.Co.Op.Societies Act,
rep. By its President G.V.Ramakrishna Rao, s/o
Sri G.L.Narasimha Rao, r/o.12-13-1152/2,
Street No.11, Tarnaka, Secunderabad …
Appellant

and

1) K.Mallikarjuna, s/o.Rajamallu,
r/o. H.No.12-13-691/9/1, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

2) Abdul Bari, s/o.Abdul Gani,
r/o. H.No.12-13-691/21/7, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

3) K.L.S.Kumari, w/o.late K.Nageshwara Rao,
r/o. H.No.12-13-691/9/1/A, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

4) K.Sujata, w/o.K.Ram Reddy,
r/o. H.No.12-13-691/21/11, Sainagar,

Nagarjunanagar,Tarnaka, Hyderabad.

5) P.Srinivas, s/o.Veerabadhram,
r/o. H.No.12-13-691/21/8/1, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

6) P.Gani Babu, s/o.P.Verraju,
r/o. H.No.12-13-691/21/8/1/1, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

7)P.Rajamani, w/o.Venkat Reddy,
r/o. H.No.12-13-691/21/4, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

8)V.Narayanamma, w/o.V.Dhasharath Reddy,
r/o. H.No.12-13-691/21/3/A, Sainagar,
Nagarjunanagar,Tarnaka, Hyderabad.

…Respondents/
Writ Petitioners

9)The District Collector, Hyderabad Dist.,Hyderabad

10)The Mandal Revenue Officer, Maredpally,
Hyderabad.

…
Respondents

Counsel for the appellant : Dr.Muddu Vijay.

Counsel for Respondents 1 to 8: Mr.L.Prabhakar Reddy;
Counsel for Respondents 9 and 10 : G.P. for Revenue.

This Court made the following :

ORAL JUDGMENT:

(Per Hon'ble The Chief Justice)

….

1. Nine separate writ petitions were filed seeking direction against the District Collector, Mandal Revenue Officer, Special Officer-cum-Commissioner, Municipal Corporation of Hyderabad, Additional Commissioner, Municipal Corporation of Hyderabad and Managing Director, Hyderabad Metro Water Supply & Sewerage Board, to declare their action in seeking to create a tank or rain harvesting structure by dispossessing the petitioners or demolishing their constructions as illegal and arbitrary.

2. In all these cases the subject-matter comprises in Sy.Nos.123 to 126 of Lalaguda Village, Secunderabad (now known as Maruthinagar Colony, Tarnaka). The writ petitions were disposed of by common order dated 01.08.2003 passed in W.P.No.2745 of 1998 and batch with certain observations that Mandal Revenue Officer should take necessary steps to protect the land and for doing so, it is always open to the revenue authorities to prohibit and prevent any further construction by third parties. Petitioners were directed not to create third party rights and not to make further construction, but leaving it open to the petitioners to raise compound walls, if necessary, after informing the Mandal Revenue Officer. Respondents were directed to take necessary action as observed in the body of the judgment to protect the ecology and environment and to protect the water body.

3. Writ petitioners in W.P.No.9083 of 2003 being aggrieved by the common order, had filed Writ Appeal No.1195 of 2004. Third parties have filed applications for leave to file appeals against the common order alleging that their rights are adversely affected. They based their title on the basis of agreements of sale which are subject-mater of separate civil suits.

4. We have heard learned counsel for third parties on the applications moved for grant of leave, learned counsel for the appellant – writ petitioners in W.P.No.9083 of 2000, learned Government Pleader for Revenue, learned Standing Counsel and learned counsel for the other writ petitioners, and gone through the record.

5. The Collector & District Magistrate, Hyderabad, in the counter affidavit filed in W.P.No.9083 of 2000 asserted that one tank called Errakunta situated in Lalaguda village of Marredpally Mandal is an age old water body and the map prepared by Survey of India shows that the tank is a perennial one. But as per the revenue records Sy.Nos. 123 to 126 are classified as patta lands. The District Collector simultaneously asserts that the Shetwar (Basic Survey Register) of Lalaguda village records Sy.Nos.125 and 126 as kunta and that taking advantage of the entries in the revenue records, the writ petitioners are encroaching on the Government land. He further states that as per the map prepared by Geological Survey of India, Sy.Nos. 123 to 126 are covered by water body. It is stated that Hyderabad Urban Development Authority Zonal Development Plan shows survey No.124 is falling in water body and survey No.126 is partly falling in water body and partly in conservation area. The Managing Director of Hyderabad Metro Water Supply & Sewerage Board on 20.02.1999 has requested to initiate acquisition proceedings in respect of the lands covered by Errakunta comprised in Sy.Nos. 123 to 126 for making a percolation tank for restoration of water harvesting in order to re-charge the ground water table. Thus, according to the stand of the District Collector, when Sy.Nos.123 to 126 are classified as tank, the same cannot be converted into residential plots and any action converting water body into residential plots amounts to violation of Hyderabad Urban Development Authority Regulations and also amounts to affecting environment and disturbing ecological balance. In a nutshell, the affidavit in reply says that the Government has proposed to acquire an extent of 52,090 Sq.Mtrs. of land for public purpose as percolation tank for getting recharged the depleting ground water table developing the water body in Sy.Nos. 123 to 126 of Lalaguda village.

6 . The affidavit in reply of the District Collector did not dispute the other allegations of the petitioners of their having acquired title on the basis of various title deeds as alleged by them, for which we will make a reference to common representation addressed by the writ petitioners in W.P.No.9083 of

2000. In the representation they stated that they acquired title to these plots on the basis of registered sale deeds in the year 1980-81 onwards to the extent of the land purchased by each of the member of Maruthi Nagar Colony Welfare Association and of the fact that houses have been constructed in the colony set up by them.

7. In the light of these pleadings on record, it was not at all necessary for the learned single Judge to have issued directions against the petitioners when they had approached the court or granted any reliefs to the petitioners which are not prayed for, and ought to have confined himself to the sole question arisen for determination as to whether petitioners could or could not be evicted otherwise than in due process of law by the respondents in the writ petitions. Writ petitioners being in settled position of the land by raising construction on the land and if the Government is proposing to acquire the land, there is no manner of doubt that without any dispute raised by the writ petitioners, powers do not authorise the Collector to evict the writ petitioners in summary proceedings but would require the Collector to establish the right that the land is a Government land, for which purpose the only course would be to resort to civil proceedings or a case can be made out for land grabbing under the provisions of A.P. Land Grabbing (Prohibition) Act. It was not at all necessary for the learned single Judge to have granted any permission to the petitioners for raising compound walls or not to create third party rights or not to raise any construction, since in case the respondents have to prevent the writ petitioners from raising any further construction, it will be for the respondents to resort to appropriate provisions of law in case they have such power vested in them.

8 . Learned Government Pleader submits that in this order it may not be appropriate to restrict the right of the Government as to what proceedings should or should not be taken in case Government intends to evict the writ petitioners and it should be left at the discretion of the Government. He further submits that since the case is not yet arisen and the Government has not yet taken any decision as to how to evict the writ petitioners, it would be putting

the cart before the horse if the Court is making any observation as regards the procedure to be adopted by the Government.

9. We are not deciding in the instant proceedings about the nature of the rights of the parties as to whether the writ petitioners are having valid title to the property or whether the land is or is not a Government land or is a patta land. We have made our observation on the basis of the stand taken by the Collector in his affidavit wherein it is not disputed that the writ petitioners are in occupation and raised construction on the land and it is also not disputed that the writ petitioners are claiming title on the basis of title deeds of the year 1981 onwards. Under these circumstances, even if the Government would take a stand that it is a Government land and has right to evict the writ petitioners who have no title to these lands, it cannot resort to summary proceedings but will have to resort to the proceedings as indicated by us in our judgment, namely, under the provisions of A.P. Land Grabbing (Prohibition) Act or in a Civil Court by establishing its title, or in case it admits the title of the writ petitioners, be proceeded in accordance with law.

10. Insofar as the applicants who have sought special leave of the court to file appeals against the impugned order on ground that by the impugned order their rights are adversely affected, we do not find any ground to grant leave to them to challenge the impugned order since they are not remediless to seek appropriate remedy against the respective writ petitioners in a Civil Court.

11. In the result, W.A.No.1195 of 2004 is allowed setting aside the common order passed in W.P.No.9083 of 2000 and batch in toto and direct that the respondents shall not interfere with the possession of the writ petitioners and will not evict them otherwise than in due process of law, as indicated aforementioned.

Applications for grant of leave are dismissed; consequently WA (SRs) stand dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 03.08.2004.

Vrk.

To

1. The District Collector, Hyderabad District, Nampally, Hyderabad.
2. The Mandal Revenue Officer, Marredpalli Mandal, Secunderabad.
3. The Special Officer-cum-Commissioner, Municipal Corporation of Hyderabad, Lower Tank Bund Road, Hyderabad.
4. The Addl. Commissioner, Municipal Corporation of Hyderabad, Secunderabad Division, Secunderabad.
5. The Managing Director, Metro Water Supply & Sewerage Board, Hyderabad.
6. The Station House Officer, Osmania University Police Station, Hyderabad.
7. The Revenue Divisional Officer, Secunderabad, Hyderabad District.
8. The Vice-Chairman, Hyderabad Urban Development Authority, Hyderabad.
9. The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
10. The Deputy Executive Engineer, Sub-Division, Hyderabad District SC, ST Society Ltd., Hyderabad.
11. Two CCs to G.P., for Revenue, High Court Buildings, Hyderabad (OUT).
12. Two CD copies.
13. Deputy Executive Engineer, Sub-division, Hyderabad district SC, ST Society Ltd., Govt. of A.P., Hyderabad.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A. No. 1195 of 2004;

WAMP.No.1626 of 2004 in WA(SR) No.19832 of 2004 & WA(SR) No. 19832 of 2004;

WAMP.No.1653 of 2004 in WA(SR) No.19836 of 2004 & WA(SR) No. 19836 of 2004

WAMP.No.1652 of 2004 in WA(SR) No.19840 of 2004 & WA(SR) No. 19840 of 2004

WAMP.No.1651 of 2004 in WA(SR) No.19844 of 2004 & WA(SR) No. 19844 of 2004

WAMP.No.1627 of 2004 in WA(SR) No.19848 of 2004 & WA(SR) No. 19848 of 2004

WAMP.No.1623 of 2004 in WA(SR) No.19852 of 2004 & WA(SR) No. 19852 of 2004

WAMP.No.1649 of 2004 in WA(SR) No.19856 of 2004 & WA(SR) No. 19856 of 2004

WAMP.No.1654 of 2004 in WA(SR) No.19860 of 2004 & WA(SR) No. 19860 of 2004

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 03.08.2004.